

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MARYLAND

JEFFREY J. QUELET
3820 Normandy Drive, Unit 2C
Hampstead, Maryland 21074
Carroll County

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Plaintiff

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v.

* CIVIL ACTION - LAW

LISA SMITH, CRNP
Hanover Family Practice Associates
100 Frederick Street
Hanover, Pennsylvania 17331

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* JURY TRIAL DEMANDED

and

VERNON H. PRESTON, M.D.
Hanover Family Practice Associates
100 Frederick Street
Hanover, Pennsylvania 17331

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and

STEPHEN PFISTERER, MPT
Hanover Family Practice Associates
100 Frederick Street
Hanover, Pennsylvania 17331

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and

**HANOVER FAMILY PRACTICE
ASSOCIATES, LTD**
100 Frederick Street
Hanover, Pennsylvania 17331

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DEBRA DEANGELO, D.O.
Hillside Pain Management, PC/
York Adams Pain Specialists, P.C.

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250 Fame Avenue
Hanover, Pennsylvania 17331 *

**Hillside Pain Management, PC/
York Adams Pain Specialists, P.C.** *
250 Fame Avenue
Hanover, Pennsylvania 17331 *

and

Brendan K. Buckley, D.C. t/d/b/a *
Buckley Chiropractic Center, PC *
508 Carlisle Street, Suite 1
Hanover, PA 17331 *

And

HANOVER REHABILITATION CENTER *
d/b/a YORK STREET REHAB a/k/a
HANOVER HOSPITAL *
400 York Street
Hanover, PA 17331 *

Defendants *

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COMPLAINT

Jeffrey J. Quelet, claimant herein, by his attorney Richard Oare, Esquire of Richard Oare and Associates, LLC, hereby files this claim against the Defendants Lisa Smith, CRNP, Stephen Pfisterer, MPT and Vernon Preston, M.D. and Hanover Family Practice Associates, LTD and Brendan K. Buckley, D.C, t/d/b/a Buckley Chiropractic Center, PC and Debra DeAngelo, D.O. and Hillside Pain Management, P.C./York Adams Pain Specialists, P.C. and Hanover Rehabilitation Center d/b/a York Street Rehab a/k/a Hanover Hospital and in support thereof states as follows:

JURISDICTION AND VENUE

1. The United States District Court for the Northern District of Maryland has jurisdiction over this matter by virtue of 28 USC Section 1332(a)(1) wherein the District Courts have been given original jurisdiction of all civil actions where the matter in

controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs, and is between citizens of different states.

2. The Plaintiff Jeffrey J. Quelet is domiciled in the State of Maryland and resides at 3820 Normandy Drive, Unit 2C, Hampstead, Maryland 21074, Carroll County.

3. Plaintiff's original injuries giving rise for his need for medical treatment by the Defendant providers occurred on May 18, 2009 at the intersection of Route 97 and Airport Drive in Westminster, Maryland, Carroll County.

4. The Defendant Lisa Smith, CRNP, upon information and belief is a licensed Nurse Practitioner formerly employed by the Defendants Hanover Family Practice Associates, LTD at the time of the events supporting this claim.

5. The Defendant Vernon H. Preston, M.D., upon information and belief, is a licensed physician formerly employed by the Defendants Hanover Family Practice Associates, LTD at the time of the events supporting this claim.

6. The Defendant Stephen Pfisterer, MPT, upon information and belief, is a Physical Therapist employed by the Defendants Hanover Family Practice Associates, LTD.

7. The Defendant Hanover Family Practice Associates, LTD, upon information and belief, is incorporated in the Commonwealth of Pennsylvania, and does substantial business in Pennsylvania, including but not limited to, the operation of Hanover Family Practice Associates, located at 100 Frederick Street, Hanover, Pennsylvania 17331.

8. The Defendant Brendan K. Buckley, D.C. t/d/b/a Buckley Chiropractic Center, P.C., upon information and belief, is a licensed chiropractor doing business as a corporation in the Commonwealth of Pennsylvania, with an office located at 508 Carlisle Street, Suite 1, Hanover, PA 17331.

9. The Defendant Hillside Pain Management, PC/York Adams Pain Specialists, P.C., upon information and belief, is incorporated in the Commonwealth of Pennsylvania with an office located at 250 Fame Avenue, Hanover, Pennsylvania 17331.

10. The Defendant Debra DeAngelo, D.O., upon information and belief, is a licensed physician employed by the Defendants Hillside Pain Management, PC/York Adams Pain Specialists, P.C.

11. The Defendant Hanover Rehabilitation Center d/b/a York Street Rehab a/k/a Hanover Hospital, upon information and belief, is incorporated in the Commonwealth of Pennsylvania with an office located at 400 York Street, Hanover, Pennsylvania 17331.

12. This is a negligence claim wherein it is alleged that the Defendants were negligent regarding the diagnosis and treatment of the Plaintiff Jeffrey J. Quelet, causing injury and damage to the Plaintiff. Such conduct at issue in this matter occurred in Hanover, Pennsylvania. Jurisdiction is conferred upon this Honorable Court pursuant to U.S.C. §28-1332.

13. As a direct and proximate result of the breach of the applicable standard of medical care by Lisa Smith, CRNP, Stephen Pfisterer, MPT and Vernon Preston, M.D. and Hanover Family Practice Associates, LTD and Brendan K. Buckley, D.C. t/d/b/a Buckley Chiropractic Center, PC and Debra DeAngelo, D.O. and Hillside Pain Management, P.C./York Adams Pain Specialists, P.C., and Hanover Rehabilitation Center d/b/a York Street Rehab a/k/a Hanover Hospital which resulted in the delay of proper treatment of the Plaintiff, the Plaintiff: 1) suffered conscious pain and suffering in the past and will suffer conscious pain and suffering into the future, 2) incurred past and future lost wages, 3) suffered loss of earning capacity in the past and into the future, 4) suffered loss of household services in the past and into the future, 5) incurred medical expenses in the past and will incur future medical expenses, 6) suffered mental anguish, 7) suffered permanent physical injuries and disfigurement.

14. That all of the injuries and damages sustained by the Plaintiff were the direct and proximate result of the negligent actions of Lisa Smith, CRNP, Stephen Pfisterer, MPT and Vernon Preston, M.D. and Hanover Family Practice Associates, LTD and Brendan K. Buckley, D.C. t/d/b/a Buckley Chiropractic Center, PC and Debra DeAngelo, D.O. and Hillside Pain Management, P.C./York Adams Pain Specialists, P.C. and Hanover Rehabilitation Center d/b/a York Street Rehab a/k/a Hanover Hospital without any act or omission on the part of the Plaintiff directly thereunto contributing.

COUNT I (Negligence – Medical Malpractice)

Jeffrey J. Quelet v. Lisa Smith, CRNP, Vernon H. Preston, M.D., Stephen Pfisterer, MPT and Hanover Family Practice Associates

15. The Plaintiff re-alleges and incorporates by reference herein all of the allegations contained in paragraphs 1-14 above.

16. Lisa Smith, CRNP deviated from the acceptable standard of medical care during the treatment of the Plaintiff from May, 2009 through March, 2010 and that this deviation was the direct and proximate cause of the cause of all of the Plaintiff's injuries and damages.

17. At all times of which the Plaintiff complains, the Defendant Lisa Smith, CRNP represented to the Plaintiff and the public that she possessed the degree of skill, knowledge, and ability possessed by reasonably competent medical practitioners, practicing under the same or similar circumstances as those involving the Plaintiff.

18. The Defendant Lisa Smith, CRNP was negligent in that she failed to employ appropriate treatment, tests, and/or procedures, failed to carefully and thoroughly evaluate the Plaintiff's condition, failed to thoroughly evaluate the effects and results of any tests and/or procedures performed, failed to properly evaluate the effects of chosen treatment, failed to adjust the Plaintiff's treatment in response to appropriate evaluation of the effects of treatment, failed to properly monitor the course of the Plaintiff's condition

and treatment and failed to properly note in the Plaintiff's chart the progress of his condition.

19. As a direct and proximate result of the negligence of the Defendant Lisa Smith, CRNP, the Plaintiff Jeffrey J. Quelet has suffered unending physical pain, emotional anguish, scarring and disfigurement, fear, as well as anxiety over his condition, as is more fully described herein- below, for which claim is made.

20. Vernon H. Preston, M.D. deviated from the acceptable standard of medical care during the treatment of the Plaintiff from May, 2009 through March, 2010 and that this deviation was the direct and proximate cause of the cause of all of the Plaintiff's injuries and damages.

21. At all times of which the Plaintiff complains, the Defendant Vernon H. Preston, M.D. represented to the Plaintiff and the public that he possessed the degree of skill, knowledge, and ability possessed by reasonably competent medical practitioners, practicing under the same or similar circumstances as those involving the Plaintiff.

22. The Defendant Vernon H. Preston, M.D. was negligent in that he failed to employ appropriate treatment, tests, and/or procedures, failed to carefully and thoroughly evaluate the Plaintiff's condition, failed to thoroughly evaluate the effects and results of any tests and/or procedures performed, failed to properly evaluate the effects of chosen treatment, failed to adjust the Plaintiff's treatment in response to appropriate evaluation of the effects of treatment, failed to properly monitor the course of the Plaintiff's condition and treatment and failed to properly note in the Plaintiff's chart the progress of his condition.

23. As a direct and proximate result of the negligence of the Defendant Vernon H. Preston, M.D., the Plaintiff Jeffrey J. Quelet has suffered unending physical pain, emotional anguish, scarring and disfigurement, fear, as well as anxiety over his condition, as is more fully described herein- below, for which claim is made.

24. That Stephen Pfisterer, MPT deviated from the acceptable standard of medical care during the treatment of the Plaintiff from May, 2009 through March, 2010 and that this deviation was the direct and proximate cause of the cause of all of the Plaintiff's injuries and damages.

25. At all times of which the Plaintiff complains, the Defendant Stephen Pfisterer, MPT represented to the Plaintiff and the public that he possessed the degree of skill, knowledge, and ability possessed by reasonably competent medical practitioners, practicing under the same or similar circumstances as those involving the Plaintiff.

26. The Defendant Stephen Pfisterer, MPT was negligent in that he failed to employ appropriate treatment, tests, and/or procedures, failed to carefully and thoroughly evaluate the Plaintiff's condition, failed to thoroughly evaluate the effects and results of any tests and/or procedures performed, failed to properly evaluate the effects of chosen treatment, failed to adjust the Plaintiff's treatment in response to appropriate evaluation of the effects of treatment, failed to properly monitor the course of the Plaintiff's condition and treatment and failed to properly note in the Plaintiff's chart the progress of his condition.

27. As a direct and proximate result of the negligence of the Defendant Stephen Pfisterer, MPT, the Plaintiff Jeffrey J. Quelet has suffered unending physical pain, emotional anguish, scarring and disfigurement, fear, as well as anxiety over his condition, as is more fully described herein- below, for which claim is made.

28. Hanover Family Practice Associates, LTD is a professional corporation, incorporated in the Commonwealth of Pennsylvania, involved, among other things, in the business of providing medical services to patients. This Defendant operates a medical office, located at 100 Frederick Street, Hanover, Pennsylvania 17331.

29. That Hanover Family Practice Associates, LTD deviated from the acceptable standard of medical care during the treatment of the Plaintiff from May, 2009 through

March, 2010 and that this deviation was the direct and proximate cause of the cause of all of the Plaintiff's injuries and damages.

30. The Defendant Hanover Family Practice Associates, LTD was negligent in that it failed to employ appropriate treatment, tests, and/or procedures, failed to carefully and thoroughly evaluate the Plaintiff's condition, failed to thoroughly evaluate the effects and results of any tests and/or procedures performed, failed to properly evaluate the effects of chosen treatment, failed to adjust the Plaintiff's treatment in response to appropriate evaluation of the effects of treatment, failed to properly monitor the course of the Plaintiff's condition and treatment and failed to properly note in the Plaintiff's chart the progress of his condition.

31. As a direct and proximate result of the negligence of the Defendant Hanover Family Practice Associates, LTD, the Plaintiff Jeffrey J. Quelet has suffered unending physical pain, emotional anguish, scarring and disfigurement, fear, as well as anxiety over his condition, as is more fully described herein- below, for which claim is made.

WHEREFORE, the Plaintiff Jeffrey J. Quelet demands judgment against the Defendants Lisa Smith, CRNP, Vernon H. Preston, M.D., Stephen Pfisterer, MPT and Hanover Family Practice Associates, LTD jointly and severally in the sum of Ten Million Dollars (\$10,000,000.00).

COUNT II (Negligence – Medical Malpractice)

Jeffrey J. Quelet v. Debra DeAngelo, D.O. and Hillside Pain Management, PC/York Adams Pain Specialists, P.C.

32. The Plaintiff re-alleges and incorporates by reference herein all of the allegations contained in paragraphs 1-31 above.

33. That Debra DeAngelo, D.O. deviated from the acceptable standard of medical care during the treatment of the Plaintiff from November, 2009 through February, 2010

and that this deviation was the direct and proximate cause of the cause of all of the Plaintiff's injuries and damages.

34. At all times of which the Plaintiff complains, the Defendant Debra DeAngelo, D.O. represented to the Plaintiff and the public that he possessed the degree of skill, knowledge, and ability possessed by reasonably competent medical practitioners, practicing under the same or similar circumstances as those involving the Plaintiff.

35. The Defendant Debra DeAngelo, D.O. was negligent in that she failed to employ appropriate treatment, tests, and/or procedures, failed to carefully and thoroughly evaluate the Plaintiff's condition, failed to thoroughly evaluate the effects and results of any tests and/or procedures performed, failed to properly evaluate the effects of chosen treatment, failed to adjust the Plaintiff's treatment in response to appropriate evaluation of the effects of treatment, failed to properly monitor the course of the Plaintiff's condition and treatment and failed to properly note in the Plaintiff's chart the progress of his condition.

36. As a direct and proximate result of the negligence of the Defendant Debra DeAngelo, D.O., the Plaintiff Jeffrey J. Quelet has suffered unending physical pain, emotional anguish, scarring and disfigurement, fear, as well as anxiety over his condition, as is more fully described herein- below, for which claim is made.

37. Hillside Pain Management, PC/York Adams Pain Specialists, P.C. is a professional corporation, incorporated in the Commonwealth of Pennsylvania, involved, among other things, in the business of providing medical services to patients. This Defendant operates a medical office, located at 100 Frederick Street, Hanover, Pennsylvania 17331.

38. That Hillside Pain Management, PC/York Adams Pain Specialists, P.C. deviated from the acceptable standard of medical care during the treatment of the Plaintiff from

November, 2009 through February, 2010 and that this deviation was the direct and proximate cause of the cause of all of the Plaintiff's injuries and damages.

39. The Defendant Hillside Pain Management, PC/York Adams Pain Specialists, P.C. was negligent in that it failed to employ appropriate treatment, tests, and/or procedures, failed to carefully and thoroughly evaluate the Plaintiff's condition, failed to thoroughly evaluate the effects and results of any tests and/or procedures performed, failed to properly evaluate the effects of chosen treatment, failed to adjust the Plaintiff's treatment in response to appropriate evaluation of the effects of treatment, failed to properly monitor the course of the Plaintiff's condition and treatment and failed to properly note in the Plaintiff's chart the progress of his condition.

40. As a direct and proximate result of the negligence of the Defendant Hillside Pain Management, PC/York Adams Pain Specialists, P.C., the Plaintiff Jeffrey J. Quelet has suffered unending physical pain, emotional anguish, scarring and disfigurement, fear, as well as anxiety over his condition, as is more fully described herein- below, for which claim is made.

WHEREFORE, the Plaintiff Jeffrey J. Quelet demands judgment against the Defendants Debra DeAngelo, D.O. and Hillside Pain Management, PC/York Adams Pain Specialists, P.C. jointly and severally in the sum of Ten Million Dollars (\$10,000,000.00).

COUNT III

Negligence – Respondeat Superior

Jeffrey J. Quelet v. Lisa Smith, CRNP, Vernon H. Preston, M.D., Steven Pfisterer, MPT and Hanover Family Practice Associates

41. The Plaintiff incorporates in this Count those facts as set forth in Count I and II hereinabove by reference thereto intending that each and every allegation hereinabove be deemed part hereof as if the same were repeated herein.

42. Hanover Family Practice Associates, LTD is a professional corporation, incorporated in the Commonwealth of Pennsylvania, involved, among other things, in the business of providing medical services to patients. This Defendant operates a medical office, located at 100 Frederick Street, Hanover, Pennsylvania 17331.

43. At all times relevant hereto, the Defendant Lisa Smith, CRNP was acting individually and as the agent, servant and/or employee of Defendant Hanover Family Practice Associates, LTD doing business as Hanover Family Practice Associates.

44. At all times relevant hereto, the Defendant Vernon H. Preston, M.D. was acting individually and as the agent, servant and/or employee of Defendant Hanover Family Practice Associates, LTD doing business as Hanover Family Practice Associates.

45. At all times relevant hereto, the Defendant Stephen Pfisterer, MPT was acting individually and as the agent, servant and/or employee of Defendant Hanover Family Practice Associates, LTD doing business as Hanover Family Practice Associates.

46. The Defendant Lisa Smith, CRNP committed acts and/or omissions within the scope of her employment with the Defendant Hanover Family Practice Associates, LTD, causing injuries and damages to the Plaintiff as aforesaid.

47. The Defendant Vernon H. Preston, M.D. committed acts and/or omissions within the scope of his employment with the Defendant Hanover Family Practice Associates, LTD, causing injuries and damages to the Plaintiff as aforesaid.

48. The Defendant Stephen Pfisterer, MPT committed acts and/or omissions within the scope of his employment with the Defendant Hanover Family Practice Associates, LTD, causing injuries and damages to the Plaintiff as aforesaid.

COUNT IV

Negligence – Respondeat Superior

Jeffrey J. Quelet v. Debra DeAngelo, D.O. and Hillside Pain Management, PC/York Adams Pain Specialists, P.C.

49. The Plaintiff incorporates in this Count those facts as set forth in Count I, Count II and Count III hereinabove by reference thereto intending that each and every allegation hereinabove be deemed part hereof as if the same were repeated herein.

50. Hillside Pain Management, P.C./York Adams Pain Specialists, P.C. is a professional corporation, incorporated in the Commonwealth of Pennsylvania, involved, among other things, in the business of providing medical services to patients. This Defendant operates a medical office, located at 250 Fame Avenue, Hanover, Pennsylvania 17331.

51. At all times relevant hereto, the Defendant Debra DeAngelo, D.O. was acting individually and as the agent, servant and/or employee of Hillside Pain Management, P.C./York Adams Pain Specialists, P.C.

52. The Defendant Debra DeAngelo, D.O. committed acts and/or omissions within the scope of her employment with the Defendant Hillside Pain Management, P.C./York Adams Pain Specialists, P.C., causing injuries and damages to the Plaintiff as aforesaid.

WHEREFORE, the Plaintiff Jeffrey J. Quelet demands judgment against the Defendants Hanover Family Practice Associates, LTD and Hillside Pain Management, P.C./York Adams Pain Specialists, P.C. in the sum of Ten Million Dollars (\$10,000,000.00).

COUNT V(Negligence – Medical Malpractice)

Jeffrey J. Quelet v. Brendan K. Buckley, D.C. t/d/b/a Buckley Chiropractic Center, PC

53. The Plaintiff re-alleges and incorporates by reference herein all of the allegations contained in paragraphs 1-52 above.

54. Brendan K. Buckley, D.C. t/d/b/a Buckley Chiropractic Center, PC is a professional corporation, incorporated in the Commonwealth of Pennsylvania, involved, among other things, in the business of providing medical services to patients. This Defendant operates a medical office, located at 508 Carlisle Street, Suite 1, Hanover, PA 17331.

55. That Brendan K. Buckley, D.C. t/d/b/a Buckley Chiropractic Center, PC deviated from the acceptable standard of medical care during the treatment of the Plaintiff from May, 2009 through March, 2010 and that this deviation was the direct and proximate cause of the cause of all of the Plaintiff's injuries and damages.

56. The Defendant Brendan K. Buckley, D.C. t/d/b/a Buckley Chiropractic Center, PC was negligent in that it failed to employ appropriate treatment, tests, and/or procedures, failed to carefully and thoroughly evaluate the Plaintiff's condition, failed to thoroughly evaluate the effects and results of any tests and/or procedures performed, failed to properly evaluate the effects of chosen treatment, failed to adjust the Plaintiff's treatment in response to appropriate evaluation of the effects of treatment, failed to properly monitor the course of the Plaintiff's condition and treatment and failed to properly note in the Plaintiff's chart the progress of his condition.

57. As a direct and proximate result of the negligence of the Defendant Brendan K. Buckley, D.C. t/d/b/a Buckley Chiropractic Center, PC, the Plaintiff Jeffrey J. Quelet has suffered unending physical pain, emotional anguish, scarring and disfigurement, fear, as well as anxiety over his condition, as is more fully described herein- below, for which claim is made.

WHEREFORE, the Plaintiff Jeffrey J. Quelet demands judgment against the Defendants Brendan K. Buckley, D.C. t/d/b/a Buckley Chiropractic Center, PC in the sum of Ten Million Dollars (\$10,000,000.00).

COUNT VI(Negligence – Medical Malpractice)

Jeffrey J. Quelet v. Hanover Rehabilitation Centers d/b/a York Street Rehab

a/k/a Hanover Hospital

58. The Plaintiff re-alleges and incorporates by reference herein all of the allegations contained in paragraphs 1-57 above.

59. Hanover Rehabilitation Centers d/b/a York Street Rehab a/k/a Hanover Hospital is a professional corporation, incorporated in the Commonwealth of Pennsylvania, involved, among other things, in the business of providing medical services to patients. This Defendant operates a medical office, located at 400 York Street, Hanover, PA 17331.

60. That Hanover Rehabilitation Centers d/b/a York Street Rehab a/k/a Hanover Hospital deviated from the acceptable standard of medical care during the treatment of the Plaintiff from May, 2009 through March, 2010 and that this deviation was the direct and proximate cause of the cause of all of the Plaintiff's injuries and damages.

61. The Defendant Hanover Rehabilitation Centers d/b/a York Street Rehab a/k/a Hanover Hospital was negligent in that it failed to employ appropriate treatment, tests, and/or procedures, failed to carefully and thoroughly evaluate the Plaintiff's condition, failed to thoroughly evaluate the effects and results of any tests and/or procedures performed, failed to properly evaluate the effects of chosen treatment, failed to adjust the Plaintiff's treatment in response to appropriate evaluation of the effects of treatment, failed to properly monitor the course of the Plaintiff's condition and treatment and failed to properly note in the Plaintiff's chart the progress of his condition.

62. As a direct and proximate result of the negligence of the Defendant Hanover Rehabilitation Centers d/b/a York Street Rehab a/k/a Hanover Hospital, the Plaintiff Jeffrey J. Quelet has suffered unending physical pain, emotional anguish, scarring and disfigurement, fear, as well as anxiety over his condition, as is more fully described herein-below, for which claim is made.

WHEREFORE, the Plaintiff Jeffrey J. Quelet demands judgment against the Defendants Hanover Rehabilitation Centers d/b/a York Street Rehab a/k/a Hanover Hospital in the sum of Ten Million Dollars (\$10,000,000.00).

DATED: June 21, 2012

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Richard Oare', is written above a horizontal line.

Richard Oare, Esquire (ID# 02985)
1434 South George Street
York, Pennsylvania 17403
(717) 846-3000
Attorney for Plaintiff

Rule 1- 313

I HEREBY CERTIFY that I am admitted to practice law in the State of Maryland, and am a member in good standing of the Maryland Bar Association.

Dated: Jun 21, 2012



Richard Oare, Esquire

Demand for Jury Trial

Plaintiff hereby demands and requests a trial by jury in this case.

DATED: Jun 21, 2012



Richard Oare, Esquire (ID# 02985)
1434 South George Street
York, Pennsylvania 17403
(717) 846-3000
Attorney for Plaintiff